

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KATRINA ROBINSON,

Defendant.

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No. 2:20-cr-20148-SHL

ORDER DENYING DEFENDANT’S MOTION FOR STATUS CONFERENCE

Before the Court is Defendant Katrina Robinson’s Motion for Status Conference, (ECF No. 213), filed January 31, 2022. Robinson seeks a Status Conference to discuss sentencing.

In support, she asserts that the draft of the revised Presentence Investigation Report (“Revised PSR”), (ECF No. 212 (sealed)), still includes information related to counts 19 and 20 of the Second Superseding Indictment, even though Robinson was acquitted on these counts. (ECF No. 206.) Acknowledging that a defendant’s acquitted conduct still may be considered at sentencing, (ECF No. 213 at PageID 2832 (citing United States v. Pinnick, 47 F.3d 434 (D.C. Cir. 1995))), Robinson seeks “guidance” on the scope of sentencing and how to prepare for the Sentencing Hearing scheduled for March 3, 2022, including whether to seek a continuance. (ECF No. 209.) According to Robinson, the Government does not oppose this Motion.

Federal Rule of Criminal Procedure 32(f) states that, after the parties receive the presentence report from the probation officer, “[a]n objecting party must provide a copy of its objections to the opposing party and to the probation officer,” so that the probation officer can “investigate further and revise the presentence report as appropriate.” Fed. R. Crim. P. 32(f)((2)-(3). After such investigation, the probation officer then submits a report with an addendum that

addresses “any unresolved objections, the grounds for those objections, and the probation officer’s comments on them,” if any unresolved objections remain. Fed. R. Crim. P. 32(g).

The Court accommodated this “objections” process when it set deadlines for the Parties to file their objections to the Revised PSR by February 4, 2022, and for the Probation Office to finalize the report by February 11, 2022. (ECF No. 209.) Those dates are still in effect. To schedule a Status Conference before this process takes place would be premature, as the final report may resolve any objections.

Thus, the Court **DENIES** the Motion. If, after the final report is submitted, there is reason for a status conference, the Court may grant a request for one if Robinson chooses to file another motion in the future.

IT IS SO ORDERED, this 31st day of January, 2022.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
UNITED STATES DISTRICT JUDGE